

Appl. No. : **10/576,223**
Filed : **April 14, 2006**

REMARKS

Claims 1, and 17-18 have been amended. Support for these amendments may be found, for example, on page 13, line 13 and page 14, line 30. No new matter has been added.

Discussion of Claims Rejected Under 35 U.S.C. § 101

In the Office Action, Claims 1-30 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, and 17-18 have been amended to include that the evaluation is output. Accordingly, the inventions of Claims 1-30 produce a concrete, tangible, and useful result.

Discussion of Claims Rejected Under 35 U.S.C. § 102(b)

In the Office Action, Claims 1-4, 6, 8-12, 14-22, and 28-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Matsumoto et al. (US 5,291,393). Matsumoto teaches a numerical control (NC) machine configured to measure a machining locus of a workpiece held in the NC machine according to a source work program.

Matsumoto, however, does not teach all of the features of Claim 1, as amended. For example, Matsumoto does not teach a method including evaluating a physical object and outputting an evaluation of the object. Matsumoto teaches generation of a work program which includes manufacturing instructions for the machine, but does not teach outputting an evaluation of the object. The evaluation of the object is particularly advantageous at least for the reason that the evaluation, for example, can give information about an object without need for observation of the object itself. In contrast, the work program of Matsumoto gives instructions on how to create an as yet non-existent product.

Accordingly, Applicant respectfully submits that Claim 1, as amended, is patentable over Matsumoto, and is in condition for allowance. Furthermore, Applicant respectfully submits that independent Claims 17 and 18 are in condition for allowance based on similar reasons to those discussed above with regard to Claim 1. In addition, Applicant does not necessarily agree with the Examiners characterization of Matsumoto with regard to the dependent claims, and respectfully submits that Claims 2-4, 6, 8-12, 14-16, 19-22, and 28-30 are in condition for

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allowance because of the features which they inherit from the independent claim from which they each depend, and for their own features.

Discussion of Claims Rejected Under 35 U.S.C. § 103(a)

In the Office Action, Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of Kreidler (US 6,954,680). Kreidler teaches “a main computer (host) for the production and provision of machine-related data and/or services and a machine-side working computer (client), which is connected to the main computer via a data communication link and (client) machine state data can be acquired in real time and transmitted to the main computer.” See Abstract. Applicant respectfully submits that the combination of Matsumoto and Kreidler does not teach at least the features of Claim 1 discussed above with regard to Matsumoto alone. Furthermore, Applicant does not necessarily agree with the Examiners characterization of the combination with regard to Claims 23-26, and respectfully submits that Claims 23-26 are in condition for allowance because of the features which they inherit from the independent claim from which they depend and for their own features.

In the Office Action, Claim 27 is rejected as being unpatentable over Matsumoto in view of Rabin et al. (US 6,697,948). Rabin teaches “a system, method, or apparatus for enabling owners and vendors of software products to protect the property rights of their software.” See Abstract. Applicant respectfully submits that the combination of Matsumoto and Rabin does not teach at least the features of Claim 1 discussed above with regard to Matsumoto alone. Furthermore, Applicant does not necessarily agree with the Examiners characterization of the combination with regard to Claim 27, and respectfully submits that Claim 27 is in condition for allowance because of the features which it inherits from Claim 1 from which it depends and for its own features.

Discussion of Unreferenced Claims

Claims 5 and 7 were listed as being rejected in the Disposition of Claims section of the Office Action, and were not included in the Detailed Action section. Applicant respectfully submits that Claims 5 and 7 are in condition for allowance because of the features which they each inherit from Claim 1 from which they each depend, and for their own features.

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Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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